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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Application Number: 10/737,131
Filing Date: December 15, 2003
Appellant(s): RUSSO ET AL.

Steven M. Greenberg
and
Adam C. Underwood

For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 10/14/09 appealing from the Office action mailed

5/14/09.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6480885   OLIVIER   11-2002

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

Claims 1-9, 31-39 and 41-49 are rejected under 35 U.S.C. 102(b) as being anticipated by Olivier [U.S. Pat. No. 6480885].

As to claim 1, Olivier teaches the invention as claimed including: a computer implemented method for managing member enrollment in a collaborative computing community [e.g., col.14 line 55 – col. 15 line 21; col. 17 lines 7-39], the method comprising:

identifying one or more end user persons for enrollment in the collaborative computing community [e.g., Abstract; col. 26, lines 4-20];

implementing an enrollment model [e.g., 318, Fig. 3A], executing in memory by a processor of a collaborative computing server [e.g., Figs. 3B and 7], to determine whether to enroll the one or more identified end user persons as members in the community [e.g., searching user profile database for pre-established criteria to find the matched members]; and updating

community membership in an electronic storage medium if the collaborative computing server to

enroll the one or more end user persons based on the implemented enrollment model [e.g.,

col.10, lines 43-59 and col. 26, lines 4-20. Note that here the residence distance and age range

form an enrollment model for determining members of a neighborhood community].

As to claim 2, Olivier further teaches that implementing an enrollment model includes

designating one or more community members as administrators with the authority to grant

enrollment to the one or more end user persons [e.g., Fig. 8; col.10, lines 43-59; i.e., the user

who initiate a mailing list for certain activity or topical discussion is an administrators having the

authority to determine the members to be included in the specific mailing list by adjusting the

parameters of the enrollment model; other special "approval user may also assume the

administrative role (see col. 17, lines 7-20)].

As to claim 3, Olivier further teaches that including providing the one or more

community members with the ability to remove a community member from the community [e.g.,

col.14, lines 40-44].

As to claim 4, Olivier further teaches that implementing an enrollment model to

determine whether to enroll the one or more identified end user persons as members in the

community includes:

identifying one or more criteria for defining a role in the collaborative computing

community [e.g., 242-246, Fig.2];

obtaining role profiles for each of the end user persons [e.g., 202, Fig.2; 306, Fig. 3A];
and

determining if one or more role profiles match the one or more criteria [e.g., 234, Fig.2;
Fig.4; col.5, lines 51-67].

As to claim 5, Olivier further teaches that the one or more criteria for defining a role in
the collaborative computing community includes payment of a predetermined fee [e.g., col.20,
lines 13-16].

As to claim 6, Olivier further teaches that implementing an enrollment model includes
providing one or more of the end user persons with the ability to grant enrollment to themselves
[e.g., col. 11, lines 47-57; col.23, lines 38-56; i.e., each potential candidate is given the ability to
grant enrollment to themselves by specifying one-way or mutual acceptance criteria].

As to claim 7, Olivier teaches that the method further includes providing the one or more
end user persons with the ability to remove themselves from the community [e.g., col. 14, lines
16-19].

As to claim 8, The Olivier further teaches that implementing an enrollment model
includes designating one or more community members as a sponsor member [i.e., users who
establish subscriptions to an electronic mailing list] having privileges, the sponsor member
granted a further privilege of sponsoring one or more of the end user persons for community

membership [e.g., screen other users] as a sponsored member [i.e., users who subscribes the mailing list], wherein the sponsored member is granted enrollment in the community with privileges equal or less than the privileges of the sponsor member [Abstract: lines 3-9; note that the sponsor member is also in the same mailing list, enjoying the same privileges as the sponsored members, in addition to the privilege of "screening other users"] .

As to claim 9, Olivier further teaches that the sponsored member is enrolled as a community member if voted into the community [e.g., col. 14 line 55 – col. 15, line 2; i.e., a sponsored member can be to become one of the moderators].

As to claims 31-39 and 41-49, since the features in these claims can also be found in claims 1-9 and/or the cited passages, they are rejected for the same reasons set forth in the rejection of claims 1-9 above.

Claims 10, 40 and 50 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C.101, set forth in this Office Action and to include all of the limitations of the base claim and any intervening claims.

(10) Response to Argument

With respect to claim 1: Applicant argues that Olivier does not teach a collaborative computing community in accordance with the definition found in paragraph 0003 of Applicant's specification. The examiner-cited passages from Oliver are all directed to a mailing list from

which a subscriber can receive electric mail, which falls short of a "collaborative computing community" as recited in claim 1.

With respect to claim 2: Applicant argues that Olivier does not teach "designating one or more community members as administrators with the authority to grant enrollment to the one or more end user persons."

Initially, the examiner would like to point out that paragraph 0003 of Applicant's specification does not constitute a precise definition for the phrase "collaborative computing community." The examiner consistently stated in the previous office actions that paragraph 0003 only describes a <u>possible definition</u> for the "collaborative computing community." Since this paragraph does not contain an exclusive definition for the phrase, the four itemized limitations in the paragraph are not read into the claims. That is, the claims are interpreted in light of the specification, but limitations from the specification are not read into the claims. See In re Van Geuns, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir.1993).

In the previous office actions, particularly in view of the Olivier reference, the term "collaborative computing community" has been broadly and reasonably interpreted as a computer network-based online community by way of collaborative emailing or chatting. In Olivier's system, an end user may <u>initially register/enroll</u> into the system by submitting basic information (i.e., a base user profile) along with extra profile information (i.e., subscription user profile) [see col. 7, lines 1-43; Fig. 3A]. But this does not guarantee the user to be accepted into any existing communities that the user subscribes. A community is normally formed by an initiating user, who may act as an administrator with authority to <u>grant enrollment</u> of its

community members by properly defining various criteria for accepting members of the

underlying community [e.g., col. 15, line 57- col. 16, line 10; see also the examples described at

col. 10, lines 43-59 and col. 26, lines 4-20]. Other specifically appointed users may also be

granted with authority to approve or reject a user's subscription [e.g., col. 17, lines 7-20].

Throughout the teachings, Olivier provides a number of community examples, by way of

online communication resources such as email server and chat room, ranging from knowledge

exchange, discussion board, chorus formation, online gaming, etc. [see, e.g., Abstract]. Each

community must be initiated by at least one user who acts as an administrator with authority to

set up various criteria to select its members. Among the various member selection methods, ages

and residential distance are two example enrollment models for member acceptance/screening.

Aside from the initial sponsor of each community, Olivier also teaches that additional

roles can be assigned to community members for carrying out certain special functions [col. 14,

lines 40 – 67; col. 17, lines 7-20]. In order to carrying out the various online functions, Olivier's

system provides at least four types of server resources: email server, database server, web server,

and match server [see e.g., Figs. 3A and 7]. Other tools such as language translation and spam

prevention tools are also provided [e.g., co. 17, lines 21 – 39]. Thus, it is clear that Olivier's

system provides sufficient resources and tools for furthering the objective of each community.

Based on the aforementioned summary/excerpts of Olivier's teachings, it is submitted

that Olivier sufficiently teaches every element described in claims 1 and 2.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related

Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Wen-Tai Lin/

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